

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAQUAN McINTOSH,

Movant,

-against-

19-cv-11966 (LAK)
[16-cr-0212 (LAK)]

UNITED STATES OF AMERICA,

Respondent.

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chambers
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ORDER

LEWIS A. KAPLAN, *District Judge*.

Movant was convicted on his plea of guilty of Count One of the Indictment, which charged him with conspiracy to commit racketeering in violation of 18 U.S.C. 1962(d). As part of his plea, and pursuant to his plea agreement, he admitted that he committed the murder of Donville Simpson. He was sentenced principally to a term of imprisonment of 280 months. The judgment was affirmed by the Court of Appeals. *United States v. McIntosh*, 758 Fed. Appx. 141 (2d Cir. 2018). No certiorari petition was filed.

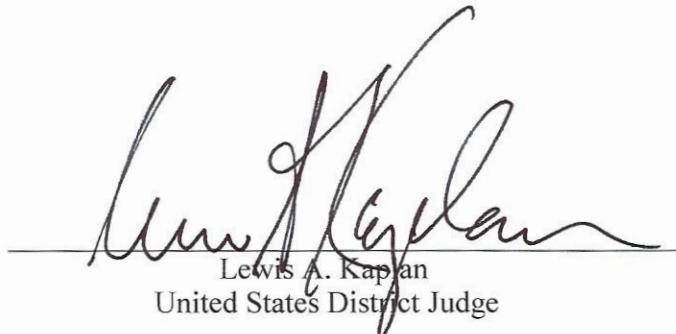
Movant now moves, pursuant to 28 U.S.C. § 2255, to vacate, set aside or correct his sentence. He contends that his counsel was constitutionally ineffective, but for which he would not have pleaded guilty.

The Court has carefully considered the motion. Nevertheless, for the reasons articulated by the government at pages 5-8 and 9-16 of its memorandum (16-cr-0212, Dkt 1486), the motion is denied in all respects.

A certificate of appealability is denied and the Court has concluded than any appeal from this order would not be taken in good faith within the meaning of 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated: June 11, 2020



Lewis A. Kaplan
United States District Judge